

1 ERIC G. YOUNG, ESQ. (SBN 190104)

**YOUNG LAW GROUP**

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5 Attorneys for Plaintiff

6 CORNELL WELLS, JR.

7  
8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

10  
11 CORNELL WELLS, JR.,

12 Plaintiff,

13 v.

14 NATIONAL BOARD OF MEDICAL  
EXAMINERS; FEDERATION OF STATE  
15 MEDICAL BOARDS,

16 Defendants.

**CIVIL CASE NO. 3:21-cv-01279-JSC**

**DECLARATION OF ERIC G.  
YOUNG REGARDING  
NONAPPEARANCE AT  
SETTLEMENT CONFERENCE  
SCHEDULING HEARING**

Date: April 20, 2022

Time: 9:00 a.m.

Location: Videoconference

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18 I, ERIC G. YOUNG, declare:

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20 1. I am an attorney duly licensed to practice law before all courts of the State of  
21 California and am admitted to this Court. I am the attorney of record for the Plaintiff  
22 CORNELL WELLS, JR. in this action. If called upon, I could and would competently testify to  
23 the matters stated herein from my own personal knowledge, except for those matters which are  
24 stated on information and belief. As to those matters, I believe them to be true.

25  
26 2. The Hon. Mag. J. Sallie Kim scheduled a videoconference in this matter for today at  
27 9:00 a.m. Unfortunately, I failed to appear. I offer this Declaration, not to paper the Court with  
28

1 excuses, but rather to explain why I failed to appear, and to express my sincerest regrets and  
2 apologies to both the Court, Mag. J. Kim, and opposing counsel, Mr. Burgoyne.

3  
4 3. I am presently involved in preparing a case for jury trial involving an older woman  
5 who sustained a serious and life-altering head injury, resulting in significant physical and  
6 emotional injuries and impairment. The case includes numerous experts, voluminous medical  
7 records and other documents, and the preparation of considerable and necessary exhibits, in  
8 limine motions, etc. to be prepared for the trial in approximately three weeks' time. It is not  
9 hyperbolic to say the case has consumed all my attention and focus. In addition to the  
10 foregoing matter, I have approximately 60 additional, active litigation matters.

11  
12 4. At this point, I have been working 15+ hour days, almost every day of the week, for at  
13 least the last three to four weeks. I am getting little sleep due to the stress of the workload. In  
14 the past five days, for example, I would estimate I have gotten about 3 hours' sleep per night on  
15 average because I have been working on nothing but trial preparation. This has caused me to  
16 fall behind in my work on almost all of my other cases, in addition to this case.

17  
18 5. Regarding attorneys, my firm consists solely of myself. I have one "of counsel"  
19 attorney, but unfortunately, he has been suffering from late stage cancer for many months. I  
20 assumed his law practice in 2021 because of his declining health. Due to his treatment regimen,  
21 he has been unavailable to assist me with tasks such as trial preparation, making court  
22 appearances in my place, office operations, etc. He has no involvement in this matter.

23  
24 6. I employ a legal secretary who assists me with calendaring. She reminds me the dat  
25 prior of a court appearance, particularly when I am as enmeshed in one matter the way I am  
26 with this upcoming trial. Unfortunately, she has been out due to a family medical emergency.

27  
28 7. I also have a part-time paralegal who only works Mondays and Tuesdays. She was not  
in the office today to warn me of my appearance this morning.

1 8. With the pressure of the trial in my other matter, I failed to recall the Scheduling  
2 Conference this morning. As I said at the outset, I do not offer these details as excuses; I offer  
3 them solely to explain my nonappearance. I am responsible for being where I am supposed to  
4 be when I am supposed to be there. I take my obligations to the Court seriously, and I  
5 acknowledge that my failure to attend today's scheduling conference – regardless of the  
6 underlying reasons – interrupted not only Mr. Burgoyne's schedule, but it also interrupted the  
7 incredibly busy schedule of a federal judicial officer.

9 8. For that disrespect, I am profoundly embarrassed, and I offer my humblest apologies  
10 to the Court, to Mag. J. Kim, and to Mr. Burgoyne. My failure to attend was certainly not  
11 intentional, and I never meant to cause any inconvenience to anyone involved. If the Court  
12 deems it appropriate, I will write a personal letter of apology to Mag. J. Kim, expressing my  
13 regret, and I will, of course, copy Mr. Burgoyne. I will also make myself available at anytime for  
14 another Scheduling Conference. Steps will be taken to make sure this never happens again.

16 9. If the Court deems that sanctions are appropriate, I am prepared to bear that burden  
17 as well. My only request would be to respectfully ask that the Court take my circumstances into  
18 consideration for whatever mitigating effect they may have, and to not punish my client for a  
19 lapse in conduct that solely rests with me. I will make myself available to answer any questions  
20 the Court may have.

22 I declare under penalty of perjury under the laws of the United States that the foregoing  
23 is true and correct.

24 Date: April 20, 2022

25 /s/Eric G. Young, Esq.  
ERIC G. YOUNG, ESQ., Declarant

**CERTIFICATE OF SERVICE*****Wells Jr. v. National Board of Medical Examiners, et al.*****USDC-ND, Oakland Division, Case No. 3:21-cv-01279-JSC**

At the time of service, I was over 18 years of age and not a party to this action. My business address is 411 Russell Avenue, Santa Rosa, CA 95403. I am employed in the office of a member of the bar of this Court at whose direction the service was made.

On April 20, 2020, I served the following identified document(s):

**DECLARATION OF ERIC G. YOUNG REGARDING NONAPPEARANCE AT SETTLEMENT CONFERENCE SCHEDULING HEARING**

I served the document(s) on all interested parties as follows:

Name of Party/Counsel Served:Attorney For:

Aaron J. Ver  
Robert Burgoyne  
Perkins Coie LLP  
505 Howard Street, Ste. 1000  
San Francisco, CA 94105  
Tel: 415-344-7000  
[AVer@perkinscoie.com](mailto:AVer@perkinscoie.com)  
[RBurgoyne@perkinscoie.com](mailto:RBurgoyne@perkinscoie.com)

Attorneys for National Board of Medical Examiners, and Federation of State Medical Boards, Inc.

I served the above-named documents as follows:

**BY FACSIMILE TRANSMISSION** - pursuant to agreement of the parties, from fax number (707) 289-8059 to the fax number(s) set forth above. The facsimile machine I used complied with Rule 2.301(3) and no error was reported by the machine. Pursuant to Rule 2.306(h)(4), I caused the machine to print a transmission record, a copy of which is attached.

**BY MAIL -**

By personally depositing the documents in a sealed envelope addressed as set forth above with the U.S. Postal Service, postage fully prepaid, sent by regular mail and certified mail, return receipt requested

X By placing documents enclosed in a sealed envelope addressed as set forth above for collection and mailing. I am readily familiar with my firm's practice of collection and processing correspondence for mailing. In the ordinary course of my firm's business, correspondence is deposited with U.S. postal service on the same day it is placed for collection, postage fully prepaid.

**BY PERSONAL SERVICE** - by delivering a copy of the document(s) by hand to the addressee.

**BY EXPRESS SERVICE** - by depositing in a box or other facility regularly maintained by the express service carrier or delivering to an authorized courier or driver authorized by the express service

X   **BY ELECTRONIC TRANSMISSION** - pursuant to agreement of the parties, or by Court order, transmitting a PDF version of the document(s) by electronic mail to the party(ies) identified above using the e-mail address(es) indicated.

**BY ELECTRONIC TRANSMISSION ONLY DURING CORONAVIRUS/COVID-19 PANDEMIC** – The document(s) were emailed to the persons at email addresses listed based on notice previously provided that, during the Coronavirus (COVID-19) pandemic, this office will be primarily working remotely, unable to send physical mail as usual, and is therefore using only electronic mail. No electronic message or other indication that the transmission was unsuccessful was received within a reasonable time after the transmission.

\_\_\_\_\_ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

           X I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: April 20, 2022

**YOUNG LAW GROUP**

/s/ Eric G. Young  
Eric G. Young